



CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

Department: Planning
Subject: Substantial Accord Policy for Public Facilities

Policy Number: 10-1
Supersedes: 05/15/92
Date Issued: 11/15/02

I. PURPOSE

The purpose of this policy is to assure that certain proposed facilities, such as those described below, are “substantially in accord” with the Chesterfield County Comprehensive Plan. This authority is found in the County Charter and the Code of Virginia. By establishing this procedure, the Substantial Accord Policy promotes coordinated planning in the siting of public facilities and maintains compatible land use patterns, thereby further improving the County’s ability to provide effective and cost efficient services to the public.

II. DEFINITION OF A PUBLIC FACILITY

Public areas, facilities and uses (hereinafter referred to collectively as “Public Facilities”) include, but are not limited to, streets, parks or other public areas and connections thereto, public buildings or structures, public utility facilities and public service corporation facilities, whether such areas, facilities or uses are publicly or privately owned; provided, however, that such terms do not include railroad facilities; electrical transmission lines of 150 kilovolts or more subject to review and approval by the Virginia State Corporation Commission; public telecommunication facilities subject to review and approval by the Virginia Public Telecommunications Board; or public facilities constructed by the State or Federal government.

III. GENERAL RULE

Except as stated herein, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility, whether publicly or privately owned, shall be constructed, established or authorized unless it is first determined to be substantially in accord with the County’s adopted Comprehensive Plan or element thereof (i.e., *Plan for Chesterfield*, *Public Facilities Plan*, the *Thoroughfare Plan* and Countywide special plans).

IV. FACILITIES EXCEPTED FROM SUBSTANTIAL ACCORD REVIEW

- A. **Public Roads** – Public roads, which are identified within, but not the entire subject of submission of a subdivision plat or site plan submission to be constructed in accordance with the construction and design standards contained within the Chesterfield County Subdivision or Zoning Ordinance, are excepted from the requirement of a substantial accord determination.
- B. **Public Facilities Required as a Condition of Zoning** – A Public Facility which has been approved by the Board of Supervisors through acceptance or imposition of a zoning condition and which is identified within, but is not the entire subject of, a subdivision plat or site plan submission is excepted from the requirement of a substantial accord determination.
- C. **Board Approved Public or Private Facility** – Any public or private public facility which has been approved by the Board of Supervisors following a public hearing held pursuant to the County’s Zoning Ordinance so long as such public or private facility or use remains subject to the requirements of the Zoning Ordinance.
- D. **Service Extensions and Repairs** – Paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations are excepted from the requirement of a substantial accord determination unless involving a change in location or extent of a street or public area.

- E. **Projects not Involving Substantial Change in Scale of Existing Facility** – Improvements to Public Facilities at existing, approved sites which are necessary to the primary site purpose and which do not involve a significant change in scale or level of facility service are excepted from the requirement of a substantial accord determination. Such excepted projects may include building additions, replacement, upgrade, or phased completion of a facility complex. However, if a facility is to be added to an existing site, which expands the level of service beyond the original site purpose, such a project will not be excepted from the requirement of a substantial accord determination. For example, a regional size swimming pool proposed at an existing neighborhood park will require substantial accord approval.
- F. **Railroads; Electrical Transmission Lines; Public Television and Radio** – Railroad facilities; electrical transmission lines of 150 kilovolts or more subject to review and approval by the Virginia State Corporation Commission; and public telecommunication facilities subject to review and approval by the Virginia Public Telecommunications Board are excepted from the requirement of a substantial accord determination.
- G. **State and Federal Facilities** – Public Facilities constructed by the State or Federal Government are excepted from the requirement of a substantial accord determination.

V. SUBSTANTIAL ACCORD APPLICATION

- A. **Pre-Application Conference** – Prior to making an application for Substantial Accord Determination, an applicant or their agent shall have a pre-application conference with the Planning Department and other co-reviewing agencies.
- B. **Applications for Substantial Accord Determinations** – With respect to any proposed Public Facility, a request for substantial accord determination must be made on an application form supplied by the Planning Department.

The Director of Planning shall promptly examine all applications to determine whether they are in proper form, and shall advise the applicant of the date on which his application was accepted for review, or what further information is required to constitute a satisfactory application. A request for a substantial accord determination shall not be deemed to have been made until all required information is received by the Planning Department.
- C. **Fee** – The cost of processing each request *as required by the Zoning Ordinance* shall be *paid* simultaneously with the filing of the application. Chesterfield County departments, with the exception of enterprise funded departments and the school board, will not be required to pay this fee.

VI. SUBSTANTIAL ACCORD DETERMINATION PROCEDURE

Review by the Director of Planning—Upon receipt of an application for a substantial accord determination, the Director of Planning shall analyze the general location, character and physical extent of the proposed public facility in light of the adopted elements of the County’s Comprehensive Plan, including the *Thoroughfare Plan* and the *Public Facilities Plan*.

The Director of Planning shall examine the siting and planning criteria contained in those documents and shall solicit comments from relevant co-reviewing agencies.

- A. **Administrative Determination—Facilities Identified by the Director as already Shown in the Comprehensive Plan**
 - 1. The Director of Planning shall determine proposed public facilities to be consistent with the Comprehensive Plan and excepted from the requirement of a substantial accord review if findings in writing are made that such facilities:
 - a. Are identified by general location on the Comprehensive Plan maps or mentioned within the Comprehensive Plan text, or are necessarily implied, required or ancillary to land uses designated on the Comprehensive Plan,

provided that these facilities are designed to implement the policies of the Comprehensive Plan.

- b. Meet appropriate site location standards set forth in the Comprehensive Plan.
2. At least one week before its regularly scheduled meeting date, the Planning Director shall send the Planning Commission a list of all Substantial Accord determination requests that have been determined in the previous thirty days to be consistent with the Comprehensive Plan, and the findings upon which such determination was based. At its meeting, the Planning Commission shall either: (1) confirm the Planning Director's determination; or (2) vacate such determination and set the request for public hearing by the Planning Commission; provided, however, that the Commission must take action within 60 days of the date on which the application was accepted for review by the Planning Department unless the applicant requests a deferral or unless such time is extended by the Board of Supervisors. Otherwise, the case shall be deemed approved by the Commission.

B. Consideration by the Planning Commission—Facilities not already Shown on the Comprehensive Plan or Commission Vacation of Director's Administrative Determination

1. **Public Hearing** – The Commission shall consider the general location, character and physical extent of the proposed Public Facility in relation to the adopted elements of the County's Comprehensive Plan and siting criteria contained in such documents. In addition, the Commission shall hold a public hearing and consider public comments and other relevant factors in arriving at its substantial accord determination, which may be conditional.
2. Failure of the Planning Commission to approve or disapprove a request for a substantial accord determination within sixty (60) days from receipt of proper application in the Planning Department, unless such time is extended by the Board of Supervisors or the applicant requests a deferral, shall be deemed approval by the Commission. Subject to any contrary instructions from the Board of Supervisors, and time permitting, the Commission may defer any request to a subsequent meeting.

VII. NOTIFICATION OF COMMISSION'S DECISION

The Director of Planning shall promptly file with the Clerk of the Board of Supervisors a written report of each substantial accord determination made by the Planning Commission indicating whether the Commission approved or disapproved such request and the reasons therefore. The Director of Planning shall also promptly notify the applicant of the decision of the Planning Commission.

VIII. APPEALS BY THE APPLICANT

The applicant may appeal the decision of the Planning Commission by filing with the Director of Planning within ten (10) days following the Commission's decision a written petition to the Board of Supervisors setting forth the reasons for the appeal. Any appeal by the applicant to the Board of Supervisors must be heard and determined by the Board within sixty (60) days from the date of its filing.

IX. REVIEW BY THE BOARD OF SUPERVISORS

By a majority vote of its members, the Board of Supervisors may overrule a substantial accord determination made by the Planning Commission, or refer the matter back to the Planning Commission directing that an additional public hearing be held, after notice as required by the County Code, and a new determination be made within a specified time period.

**SUBSTANTIAL ACCORD DETERMINATION PROCESS
CHESTERFIELD COUNTY**

